IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
(Attorney Docket No. 14310US02)

In the Application of:

Jeyhan Karaoguz, et al.

Serial № 10/675,448

Filed: September 30, 2003

For: MEDIA EXCHANGE NETWORK
SUPPORTING LOCAL AND
REMOTE PERSONALIZED
MEDIA OVERLAY

Examiner: Kunal N. Langhnoja

Group Art Unit: 2427

Confirmation №: 5601

Electronically filed on November 1, 2010

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief responds to the Examiner's Answer mailed on September 1, 2010. Claims 1-31 are pending in the present application. This Reply Brief is timely filed within the period for reply, which ends on November 1, 2010.

REMARKS

As an initial matter, the Appellant notes that the arguments set forth in the Examiner's Answer are essentially the exact same as those set forth in the Final Office Action. (Compare Examiner's Answer, pp. 3-7 with Final Office Action, pp. 4-8.) Accordingly, the Appeal Brief addresses these arguments. (*See* Appeal Brief, pp. 6-15.)

The Appellant will now address certain issues raised in the "Response to Arguments" section of the Answer.

The Examiner states as follows regarding the rejection of claims 1, 11 and 21:

> Appellant argues Chen et al does not disclose or suggest at least limitation of "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location." The examiner respectfully disagrees.

> Chen et al teaches intelligent alerting system comprising an intelligent processor 100 coupled to enhanced reproduction devices 310 and 320, on-premises devices 330 and 340, alert even detectors 510 and 520, network 200, off-premises devices 410, 420, and 430 coupled to network 200 (Figure 1). The intelligent processor 100 utilizes one or more profile in order to alert user with various types of alert events (Col.3 lines 1-15). The user is able to directly enter commands using input device 190 into processor 100, commands may include updating a profile (Col.7 lines 45-51). Furthermore, user configured profile enables him/her to receive event alerts detected by event detectors 510 and 520 at off-premises devices 410, 420 and/or 430 (Col.4 line 57-Col. 5 line 25).

> The reference teaches intelligent processor 100 receives alerts generated by alert event detectors [510,520] via network 200 at subscriber's home (Abstract; Fig.1&5;

Col. 1, lines 17-19; col. 1, lines 54-55; col.2; lines 27-32; col.5, lines 51-54; & col.9, lines 47-48) reads on claimed limitation "receiving, at a first location, an alert from a first device coupled to the communication network." The intelligent processor 100 generating a message at subscriber's home based on received alert from alert event detectors [510, 520] (Col.1 lines 61-67, Col.2 lines 42-46 and Col.6 lines 40-48) reads on claimed limitation "generating within a home, message corresponding to said received alert." The generated alert is automatically routed to an off-premises devices 410,420 and/or 430 based on user updated profile within processor 100 *(Figures 1 and 2; col.4, lines 5167. Co/.5 lines 1-24 and Col. 7 lines 45-51)* reads on claimed limitation "automatically routing said generated message to a location that is remote from said first geographic location."

The user updating a profile within processor 100, authorizes the intelligent processor 100 to automatically route generated alert messages, based on received alerts from alert event detectors [510, 520], to an off-premises devices [410,420,430]. Furthermore, user is able to program or modify a preferred order in which an alert message should be transmitted to alert devices (Col.3 lines 1-15, Col.7 lines 45-50 and Col.8 lines 2-7). In current application, the specification provides no special definition of what is meant by a "prior authorization level." The reference teaches the use of profiles programmed or modified by the user indicating preferred order of devices in which an alert message should be transmitted. This meets the broadest reasonable interpretation of a "prior authorization level" because the user authorizes a level or priority of device in which to route messages 'prior to' receipt of the alert message. Thus, the reference reads on claimed limitation "based on prior authorization level of the first device established by a user command."

The reference teaches the profile database 174 stores one or more user profiles indicating where and when an end-user may be reached by a given device. User receiving alert from the processor 100 at an off-premises devices including pager [420] and/or a wireless phone [430] are independent of user location, which reads on claimed limitation "wherein said routing is performed independently of a user location" (Col.5 lines 1-25). In addition the reference states "it should

> be appreciated that consultation of the profile may be performed before or instead of transmitting an alert to the on- premises devices" and followed by examples, wherein alert is transmitted to off-premises devices prior to communicating with an on-premises devices (Col.4 lines 57-59, Col. 4 lines 60-67 and Col. 5 lines 1-25) reads on claimed limitation "prior to communicating said generated message to any device within said first geographic location."

(Answer, pp. 8-11.)   Appellant respectfully disagrees with the Examiner's above analysis.   Specifically, claims 1, 11 and 21 require that the generated message be automatically routed "based on a prior authorization level **of the first device [i.e, the device that issued the alert]**." The Examiner's above analysis ignores the fact the prior authorization levels must be for device from which the alert is received.   As has previously been explained, **Chen does not disclose any establishing of authorization levels for a given device, or that the notification routing is in any way influenced or based on any user commands.** Rather, **Chen's user profile simply stores pre-determined user locations and it has nothing to do with setting up authorization levels of a specific, e.g., first, device established by a user command.** Hence, the fact remains, however, that neither the input device 190 nor any other device of Chen is used for purposes of establishing an authorization level of the device from which the alert is received, as required by the rejected claims.

Accordingly, Appellant maintains that claims 1, 11 and 21 are patentable for at least the above reasons and the reasons set forth in the Appeal Brief.

The Examiner states as follows regarding the rejection of claims 9, 19 and 29:

> Appellant argues cited reference fails to teach claimed limitation "displaying said generated message for a predetermined period of time." The examiner respectfully disagrees.

> Chen et al. teaches the displaying of an alert message until the time an alert acknowledgement is received by the user, either by a simple pressing of a button on a remote control or by the entering of a Personal Identification Number (PIN). (col. 4, lines 7-16; col. 9, lines 21-34, 58-67). Furthermore, a predetermined period of time is open to broader interpretation, wherein time period it takes to receive an acknowledgement reads on "predetermined period of time," regardless of time period varying from alert to alert.

(Answer, pp. 13.) Accordingly, the Examiner contends that "displaying of an alert message until the time an alert acknowledgement is received by the user, either by a simple pressing of a button on a remote control or by the entering of a Personal Identification Number (PIN)" somehow constitutes "displaying said generated message for a predetermined period of time." Appellant respectfully disagrees with the Examiner's analysis. The Examiner's interpretation of the claims and the cited reference improperly reads the "predetermined time" limitation out of the claims. The plain and ordinary meaning of "predetermine" means "to decide in advance." Nothing in the specification indicates that "predetermine" is to be interpreted otherwise. Under the Examiner's construction the amount of time the message is displayed varies in accordance with the time it takes for the user to acknowledge the display, e.g., by pressing a button or entering a PIN. Under either scenario, the time for which the alert is displayed is not "predetermined" at least because the time is not set in advance.

Accordingly, Appellant maintains that claims 9, 19 and 29 are patentable for at least the above reasons and the reasons set forth in the Appeal Brief.

CONCLUSION

For at least the foregoing reasons, the Appellant submits that claims 1-31 are in condition for allowance. Reversal of the Examiner's rejection and issuance of a patent on the application are therefore requested.

The Commissioner is hereby authorized to charge any fees or credit any overpayment in connection with this filing to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: November 1, 2010   By: /Kirk A. Vander Leest/
                                     Kirk A. Vander Leest
                                     Reg. No. 34,036
                                     Attorney for Appellant

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100

(KAV)